

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,)
) File No. 18cr150(3),
) 18cr291, 18cr20014
Plaintiff,) (DWF/HB)
)
vs.)
) St. Paul, Minnesota
Joe Morris,) January 24, 2019
) 9:33 a.m.
Defendant.)
)

BEFORE THE HONORABLE DONOVAN W. FRANK
UNITED STATES DISTRICT COURT JUDGE
(CHANGE OF PLEAS)

APPEARANCES

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Proceedings recorded by mechanical stenography;
transcript produced by computer.

P R O C E E D I N G S

IN OPEN COURT

(Defendant present)

THE COURT: The Court will call United States
versus Morris.

Before we continue, why don't we have
instructions by Counsel, we can start on my right, Counsel's
left.

MS. ALLYN: Good afternoon -- no morning, Your
Honor.

THE COURT: Still morning. Still morning there.

MS. ALLYN: Julie Allyn and John Docherty for the
Government.

MR. RICHMAN: Robert Richman for the Defendant,
who's also present beside me, Your Honor.

THE COURT: Mr. Morris, my name is first name
Donovan, last name Frank. I'm the assigned Federal Judge on
your case.

In a few moments, you and I will be going through
a Plea Agreement, sentencing stipulations. I'll also be
going through with you your constitutional rights, and it's
only after we've done each of those things, that I'll
formally take your pleas in this case. And maybe before we
go any further, we can have Counsel and the Defendant come
to the podium, please.

1 The first thing I'm going to do is have Ms.
2 Sampson give you the oath that every defendant and every
3 witness takes in a case.

4 MS. SAMPSON: Please raise your right hand.
5 (Defendant sworn.)

6 THE DEFENDANT: Yes.

7 THE COURT: You may lower your hand, sir. If you
8 would state your full name for the record.

9 THE DEFENDANT: Joe Morris.

10 THE COURT: And your date of birth?

11 THE DEFENDANT: 5/29/95.

12 THE COURT: You appear in court with your
13 attorney, Mr. Richman this morning. Have you had enough time
14 to discuss this case with your lawyer?

15 THE DEFENDANT: Yes.

16 THE COURT: Are you satisfied so far in the case
17 with his services and representation?

18 THE DEFENDANT: Yes.

19 THE COURT: I'll now ask you a question I ask
20 every defendant. And I usually explain it that way so you
21 don't think, well, why does the Judge ask me if I'm high or
22 under the influence? I don't suspect anything. But I want
23 to make certain that there's nothing happening today that
24 will get in the way of you making decisions in a knowing and
25 voluntary way, as we call it, with the help of your lawyer.

1 So today at this time, are you under the influence
2 of any alcohol or drugs?

3 THE DEFENDANT: No.

4 THE COURT: Now, sometimes, unrelated to Court,
5 any of us could be taking over-the-counter medication,
6 medication given or prescribed by a doctor. And it can
7 temporarily or otherwise kind of confuse somebody, make it
8 difficult to concentrate.

9 Is there anything that you're taking that would
10 get in your way of understanding everything today?

11 THE DEFENDANT: No.

12 THE COURT: Do we have a signed plea agreement?

13 MS. ALLYN: Yes, Your Honor. If I may, before I
14 approach the bench, Mr. Morris will --

15 THE COURT: Okay.

16 MS. ALLYN: -- close to seeing it, is that your
17 signature?

18 THE DEFENDANT: Yes.

19 MS. ALLYN: Your Honor, may I tender the --

20 THE COURT: You may.

21 MS. ALLYN: Thank you.

22 THE COURT: Now, this is a question I'll -- as the
23 lawyers know, I asked in every case.

24 Any changes on this agreement compared to the
25 unsigned agreement I received right before the hearing?

1 MS. ALLYN: No, Your Honor.

2 MR. RICHMAN: I assume not, Your Honor.

3 THE COURT: Okay. And the reason I ask that in
4 every case, and the lawyers are aware of it, sometimes
5 defendants are, Mr. Morris, but not always, sometimes there
6 are changes in the Plea Agreement, but let me explain to you
7 what I do in every case.

8 To the credit of the U.S. Attorney's Office and
9 criminal defense lawyers in Minnesota, because the practice
10 doesn't vary by judge or by case in Minnesota, but the
11 practice varies quite a bit between federal court to federal
12 court across the country, and state and federal court.

13 But to the credit of the U.S. Attorney's Office
14 and criminal defense lawyers here in Minnesota, when they
15 believe they have an agreement, even though it's not binding
16 on anybody until we come to court, it's signed off, then we
17 go through the whole thing out in the open, it's -- the --
18 when they believe they have the agreement, even though it's
19 not binding, they send it to the assigned judge for two very
20 important reasons.

21 One, they have a right to expect, as you do, that
22 I would have read it before I came through the door, and I
23 did.

24 And two, they have a right to expect, as you do,
25 that if I didn't understand something, or maybe frankly

1 speaking, I was bothered by something. Or I wanted to make
2 certain I understood what was intended by any provision, I
3 wouldn't sit here quiet and then just for the first time
4 bring it up at sentencing.

5 And so, and so it has the -- the effect of
6 reducing surprises at the time of sentencing. And most
7 people don't like last-minute things coming up for the first
8 time, so.

9 And sometimes there are changes, anything from
10 typographical to other errors, to other kind of changes so
11 that's why I ask that question of the attorneys.

12 Now I'm up here a ways. Is that your signature on
13 the back page?

14 THE DEFENDANT: Yes.

15 THE COURT: Anybody force you or threaten you to
16 sign this?

17 THE DEFENDANT: No.

18 THE COURT: Now you and I are going to go over
19 this agreement.

20 And my name is not on the bottom of it. And
21 that's true for all Plea Agreements, because I wasn't a
22 party to the agreement, but the best way I can explain it,
23 is that it comes to me in the form of a recommendation, by
24 you, your attorney, the Government's Counsel.

25 And so you and I are going to go through this.

1 And every step of the way you can ask me questions. As the
2 lawyers know, every step of the way, as I mentioned, whether
3 you want to stop and talk privately to Mr. Richman, or he
4 wants you to stop, you have that right as well.

5 Because it's only after we've been through the
6 agreement and the -- and your constitutional rights that
7 I'll formally ask you to enter pleas in the case.

8 So I'm not asking you to plead guilty just yet.
9 But under -- under this agreement, the -- do you understand
10 your -- and I'll go through these with you now. There are
11 five offenses you're agreeing to plead guilty to.

12 Count 1 -- and I'll talk about the three charges
13 in Illinois.

14 Count 1 is in the indictment from Illinois is
15 possession between in or around October of 2017 to on or
16 about February 27th of 2018. In the Central District of
17 Illinois of a machine gun, in violation of a federal law.

18 Do you understand that that's one of the charges?

19 THE DEFENDANT: Yes.

20 THE COURT: Then Count 2 of that indictment is
21 conspiracy to interfere with commerce by threats and
22 violence from on or about August of 2017 to at least
23 March 10th of 2018, in Ford County in the Central District
24 of Illinois, and elsewhere. Do you understand that's
25 Count 2?

1 THE DEFENDANT: Yes.

2 THE COURT: And then Count 3 is attempted arson,
3 on or about November 7th of 2017, in Champaign County,
4 excuse me, in the Central District of Illinois. Do you
5 understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Now moving on to the two counts in the
8 Minnesota indictment that are part of the agreement.
9 Count 2 is intentionally obstructing and attempting to
10 obstruct by force, and the threat of force, and by means of
11 fire and explosives, the free exercise of religious beliefs
12 on or about August 5th, 2017, here in the State of or the
13 District of Minnesota. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: And then Count 4 is carrying and using
16 a destructive device during and in relation to a crime of a
17 violence on or about August 5th, 2017. Do you understand
18 that?

19 THE DEFENDANT: Yes.

20 THE COURT: And that at the time of sentencing the
21 Government has agreed to move to dismiss the remaining
22 counts of the Minnesota indictment.

23 Now, I'm not -- I'm going to follow this in the
24 order it's written with a couple of exceptions I follow in
25 every case. I'll come back to the factual basis after

1 you've entered your pleas of guilty.

2 So now I'm going to move over -- for the record,
3 I'm going to move over to Page 9, Paragraph 2 called, Venue.

4 It states here that you are agreeing that the case
5 can -- can be placed here in Minnesota. Venue's kind of a
6 fancy word for that, a legal phrase for that.

7 And that you acknowledge that the Counts 2 and 4
8 of the Minnesota indictment were committed here in the
9 District of Minnesota. And that, therefore, venue or this
10 is a proper place for the action.

11 And that you also acknowledge, admit, that
12 Counts 1, 2 and 3 of the Illinois indictment have been
13 transferred from Central Illinois to the District of
14 Minnesota for guilty pleas and for sentencing. Which means
15 I'll be the sentencing judge on all five counts.

16 And pursuant to the Rules of Criminal Procedure
17 Rule 20, which allows for this. And so that you agree with
18 the transfer here. And actually, in part, was done at your
19 request. Do you agree with all this?

20 THE DEFENDANT: Yes.

21 THE COURT: All right.

22 And I can -- I can indicate to you that it's very
23 consistent with the rules to -- in fact, it's -- I think
24 it's to the credit to the lawyers on both sides that there
25 must have been some communication that I wouldn't be a party

1 of, so they can kind of bring everything together in one
2 place, so.

3 And then it also states that since you've agreed
4 to this, so you do waive and give up any objections you may
5 have as to the transfer of those three crimes here to
6 Minnesota. Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: Now, I'll come back to waiver of
9 pretrial motions when I go over your constitutional rights
10 with you.

11 I'll move on to Paragraph 4, excuse me. Another
12 phrase I could use to -- to describe statutory maximum
13 minimums and what are those penalties that the United States
14 Congress sets, prison sentences as maximum and minimum?

15 So here it says that the parties agree that
16 Counts 1, 2 and 3 of the Illinois indictment -- and there's
17 classification of felonies under federal law. And these are
18 what are called Class C felonies. And that they -- I'm now
19 going to go through you, their penalties.

20 I'll start with Count 1 and that's the possession
21 of a machine gun in Illinois.

22 It says here you understand the maximum term of
23 imprisonment is not more than ten years. Do you understand
24 that?

25 THE DEFENDANT: Yes.

1 THE COURT: Then there's a maximum supervised
2 release term of not more than three years. Do you
3 understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: Then there's a fine of up to \$250,000.
6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: And then -- I'll describe just once,
9 because it's going to be in each of the counts. And it's
10 true for every federal felony in America.

11 There must be a mandatory special assessment for
12 \$100. Because it's the one assessment that can't be waived
13 or suspended by the lawyers or the judge, because it goes
14 into a general fund for each federal felony for victims of
15 crimes. Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: Count 2, Conspiracy to Interfere With
18 Commerce By Threats and Violence. The maximum term of
19 imprisonment is not more than 20 years. Supervised release
20 term of not more than three years. And sometimes people use
21 the word probation for supervised release, that period of
22 time when you're living in the community having served any
23 prison sentence.

24 And the same fine of up to \$250,000. And \$100
25 special assessment. Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: Now Count 3, the -- and we'll talk
3 more about this also in the Minnesota -- one of the --
4 Count 4 in Minnesota case.

5 Count 3 of the Illinois indictment, attempted
6 arson. There are some -- a number of federal felonies where
7 Congress comes in -- separate from what are called the
8 advisory guidelines and says, not just here are the maximum,
9 but here's the minimum -- minimum prison sentence.

10 So here there's a mandatory minimum term of
11 imprisonment of not less than five years. Do you understand
12 that?

13 THE DEFENDANT: Yes.

14 THE COURT: There's a maximum term of imprisonment
15 of not more than 20 years. Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: Supervised release term of not more
18 than three years. And then that same fine of \$250,000 and
19 \$100 special assessment. Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Then moving on to the two counts here
22 in the Minnesota indictment.

23 I'll start with the Count 2 of the Minnesota
24 indictment, obstructing the free exercise of religion.

25 The maximum term of imprisonment is not more than

1 -- not more than 20 years. Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: Then there's a supervised release term
4 of not more than three years. Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: Then there's a -- the fine of
7 \$250,000 and \$100 special assessment.

8 Then we move on to the using a destructive device
9 during the commission of a crime of violence.

10 Here there's a mandatory minimum of not less than
11 30 years. Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: Then the maximum is up to life in
14 prison. Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Then there's a fine -- same fine
17 provisions, \$250,000. \$100 special assessment.

18 And then the supervised release term of not more
19 than five years. Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Now, the -- just so we're clear, the
22 maximum punishment which could be imposed upon you by the
23 Court, I -- I would have the potential to sentence you to
24 the maximum term of imprisonment on each count and order
25 that those sentences be run consecutively, or on top of each

1 other as opposed to all together. Which could be
2 potentially imprisonment for life and fines totalling
3 \$1,250,000. Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: Excuse me.

6 Now there's a Paragraph 5, revocation of
7 supervised release that simply but importantly means, if you
8 had served your prison sentence, whatever it was, and you
9 were living in the community, whether it was here or
10 elsewhere, Illinois, somewhere else, and would violate the
11 terms of your supervision, one of my options would be to
12 return you to prison. Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: And we'll talk specifically about that
15 at the time of sentencing because the -- we have
16 responsibilities -- we -- to screen for all mental health,
17 all alcohol, and drug issues and a variety of many other
18 things. It isn't as simple as saying, well, as long as you
19 don't commit a new crime, you're okay.

20 Because we have certain responsibilities. But
21 because as your lawyer well knows, we'll discuss all those
22 things at the time of sentencing.

23 And the fact of the matter is, before we come back
24 for sentencing, each attorney not only sees a copy of the
25 presentence investigation report, which we'll talk about at

1 the end of this hearing, but they have the opportunity,
2 which they always take both -- both parties to submit what
3 are called written memorandums to the Court, talking about
4 what they believe is a fair sentence. Do you understand
5 that?

6 THE DEFENDANT: Yes.

7 THE COURT: Now, we're going to go to Paragraph 6.
8 And it's going to -- that starts at the bottom of Page 12,
9 goes to Page 13, goes to Page 14, over to 15, 16. And ends
10 at the top of 17.

11 Your attorney went through what are called the
12 sentencing guidelines in a book like this. This might not
13 be the exact one, because they change the color every year.
14 This new color this year is red. I don't know why they
15 change it every year, but they do.

16 And so the best way I can explain that is a group
17 of individuals got together authorized by Congress. And
18 they were directed to rate and rank every federal felony on
19 how serious it is, and give it a seriousness rating or
20 ranking number, give it a name. And then to establish rules
21 on, well, depending on what the crime is, increase or
22 decrease the seriousness ranking or rating of that.

23 So, your attorney and Government's Counsel,
24 they've taken the time to go over how the guidelines, they
25 believe apply to you with the information they have today.

1 And I say to their credit, because as I said in
2 the last hearing, and I actually say at a number of
3 hearings, I've worked at some districts, I'm here most of
4 the time, but sometimes assist to hear cases in other parts
5 of the country, where sometimes they don't discuss the
6 guidelines. And they just say, here's the maximums, the
7 minimums, we'll wait to see what probation comes up.

8 And so I think gets everything more transparent
9 and everything's out in the open when they've taken the time
10 to go through these guidelines so they can tell you, tell
11 me, anybody else who's affected or interested in the case,
12 well, what does all this mean? What are the potential
13 sentences suggested or recommended to the judge?

14 So you and I are going to go through that now, as
15 the lawyers have it here in your agreement.

16 On the top of Page 13, the phrase that's used as a
17 starting point for every federal felony guidelines is base
18 offense level.

19 So here it says, The base offense level for
20 Count 1 is 18 because the offense involved a firearm. Do
21 you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: And 18 does not mean 18 years or
24 months, it's that seriousness rating.

25 Then it says, this offense is increased by four

1 levels because the machine gun was possessed in connection
2 with the commission of another felony, namely an armed
3 robbery in Ambia, Illinois. Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: And that -- these, again, these are
6 rules here in the guidelines that the Court would expect the
7 Counsel to address as they have.

8 Then it says, The offense level is increased by a
9 further two levels because the Defendants possessed at least
10 three firearms. Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: And that's another rule in the
13 guidelines.

14 Then it says, The adjusted offense level then for
15 Count 1, in the Illinois indictment is 18, plus 4, plus 2
16 equals 24.

17 Then it says the base offense level for Count 2 is
18 calculated by looking at the overall conspiracy into four
19 separate conspiracies to commit each of the three armed
20 robberies and one what's called extortionist act, for which
21 the overall conspiracy was carried out.

22 So we have the Ambia armed robbery. So, there it
23 says the base offense level is 20. And five levels are
24 added because a firearm was possessed. Two levels are added
25 because the victims were physically restrained.

1 And the adjusted level, therefore, for that is 20
2 plus 5, plus 2, or 27. Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: The Mount Vernon Wal-mart armed
5 robbery, similarly, we begin at 20. There were no other
6 adjustments, so that stays at 20. Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: For that armed robbery?

9 THE DEFENDANT: Yes.

10 THE COURT: Now as I say in a number of cases, and
11 I'll observe it here, maybe it's not important to you or
12 others when they see, well, there's no adjustments to the
13 base offense level.

14 Well, it's important to the Court, because it
15 means that your attorney, and Government's Counsel have
16 taken the time to look at everything. And with what they
17 have today, they don't know of any other adjustments to add
18 or subtract from that starting point of 20.

19 Moving on to the Watseka Wal-mart armed robbery.
20 The base offense level again was 20. Three levels were
21 added because of the dangerous weapon even under the rules,
22 the fake guns, and the rules in the guidelines. And so that
23 makes an adjusted offense level for that Walmart armed
24 robbery of 23 or 20 plus 3. Do you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: Then the attempted extortion from the
2 Canadian National Railway. The base offense level is 18.
3 Two levels were added because the amount of money demanded
4 was more than \$95,000, but less than \$500,000. And then
5 that becomes an adjusted level of 20, 18 plus 2. Do you
6 understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: Now moving on, the base offense level
9 for Count 3 of the indictment is 24, because the Women's
10 Health Practice was a place of public use. Do you
11 understand that.

12 THE DEFENDANT: Yes.

13 THE COURT: And then it says that that level for
14 Count 2 is 24, both because of the bombing of the Dar
15 al-Farooq Islamic Center created a substantial risk of death
16 or serious bodily harm to a person, other than a participant
17 in the offense. And because the Islamic Center was a place
18 of public use.

19 In other words, there's definitions for these
20 entities, and institutions in the guidelines. Do you
21 understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: So to this, three levels are added
24 because the bombing of the Islamic Center was a hate crime.

25 And then the Islamic Center was chosen for bombing

1 because of it was a Muslim house of worship. Do you admit
2 and agree to that?

3 THE DEFENDANT: Yes.

4 THE COURT: And then the adjusted offense level
5 for Count 2 of the Minnesota indictment becomes then 27.

6 And there is no guideline based offense level for
7 Count 4 of the Minnesota indictment. And there's a --
8 that's not just unique to this offense.

9 But the reason for that is there's a statutory
10 mandatory minimum.

11 If you remember, I said Congress sets minimums for
12 a number of offenses. Here they've set sentence of
13 imprisonment for not less than 30 years. Do you understand
14 that?

15 THE DEFENDANT: Yes.

16 THE COURT: And then the -- and so the -- I'm
17 going to right now go through this phrase called, Grouping
18 of counts of the conviction.

19 The guidelines comes up with the way to say, Well,
20 there has to be rules that we -- we just don't pick one
21 offense and just get one sentence no matter how many crimes
22 there are, and that's usually called imposing everything
23 concurrently.

24 Or the other extreme, is let's just add them all
25 up and make everything consecutive.

1 And so the grouping is a concept here, in the
2 guidelines that your attorney and the Government's lawyers
3 have taken the time to go through.

4 So here they've gone through all of that and, as a
5 grouping, because it's sometimes more complicated than it
6 sounds.

7 Because the primary victim of Count 1 of the
8 Illinois indictment is society at large. Do you understand
9 that?

10 THE DEFENDANT: Yes.

11 THE COURT: And then the primary victims of
12 Count 2 are the Canadian Railway, which was the victim of
13 the extortionist, or threatening act by which the conspiracy
14 interfered with commerce was carried out.

15 And then the victims of the various armed
16 robberies in Ambia, Indiana, and Mount Vernon Wal-mart, and
17 Watseka Wal-mart with respect to the conspiracy to interfere
18 commerce was carried out.

19 The primary victim of Count 3 of the Illinois
20 indictment is the Women's Health Practice.

21 And the primary victim of Counts 2 and 4 of the
22 Minnesota indictment is the Islamic Center and its
23 congregants, because of none of the Counts to which you are
24 pleading guilty have a primary victim in common. Although
25 those counts are not grouped together. Do you understand

1 that?

2 THE DEFENDANT: Yes.

3 THE COURT: Now Count 1 of the Illinois indictment
4 groups the Ambia armed robbery, because the robbery
5 guidelines contains an increase for possession, use,
6 brandishing of a firearm. While the firearm guidelines
7 contain what's called an enhancement for use of a firearm,
8 and commission of another felony offense.

9 And then Count 4 the Minnesota indictment does not
10 group with any other count. And that's because the sentence
11 for Count 4 of the Minnesota indictment is consecutive to
12 the sentence calculated for the remaining counts.

13 Excuse me, I don't have a cold, so if you're
14 thinking, Is the judge spreading germs to everybody? No.

15 The overall sentence for the counts other than
16 that Count 4, they are determined in using grouping rules,
17 which we'll discuss in the guidelines. Because Count 4 has
18 a mandatory minimum and is consecutive. Do you understand
19 that?

20 THE DEFENDANT: Yes.

21 THE COURT: Now moving on to then the guidelines.

22 The -- the advisory guidelines as this Plea
23 Agreement very clearly spells out, they go to the
24 determining the sentence for the most serious count in the
25 conviction. And then the lawyers have looked at the rules.

1 And so the most serious offense, under the guidelines, is
2 the starting point.

3 And so then they also have to identify the most
4 serious offense, well, here, other than Count 4, which isn't
5 controlled by the guidelines, are the Ambia armed robbery,
6 and the obstruction of the free exercise of religious
7 beliefs, both of which have an adjusted level of 27.

8 And the obstruction of the free exercise of
9 religious beliefs is the most serious offense for purposes
10 of the guideline calculation. Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: Now to the offense Level 27 for the
13 Islamic Center bombing, four levels are added. Because
14 under the guideline grouping rules. One unit is assigned
15 for the bombing itself. To which is added one unit for the
16 Ambia armed robbery. One unit for the attempted arson of
17 the Women's Health Practice. One unit for the Watseka armed
18 robbery. One half unit for the Mount Vernon armed robbery.
19 And one half unit for the Effingham attempted extortion.
20 Which makes it a total of five units, which corresponds to
21 what we call a four-level increase to this phrase of
22 Adjusted Offense Level.

23 So where that takes us is, other than Count 4 of
24 the Minnesota indictment, that creates an adjusted level of
25 31. Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: And as I've said before, that number
3 doesn't mean 31 years or 31 months, but it's that
4 seriousness rating.

5 And, then, again, on subparagraph f, at the top of
6 16 where it says, No Other Chapter 3 Adjustments, the -- it
7 may seem that that word isn't -- that phrase isn't
8 important, but I'll repeat something. It tells me that the
9 lawyers have taken the time to look carefully at the rules.

10 And other than what's called Acceptance of
11 Responsibility, which we'll talk about now, they don't know
12 of any other adjustments in the chapter.

13 Acceptance of responsibility means this:

14 If you plead guilty in a few minutes, testify
15 truthfully during your plea, cooperate with filling out the
16 Presentence Investigation Report. Testify truthfully also
17 at your sentencing hearing. And don't do anything
18 inconsistent with accepting responsibility and pleading
19 guilty, the Government, under the guidelines, will recommend
20 the three-level reduction for entering this -- these pleas
21 in a timely manner. Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: Two quick examples of sometimes a
24 defendant asks me, not very often, well, how are we supposed
25 to know what committing some act inconsistent with

1 acceptance of responsibility would be?

2 Well, I'll first be clearer to you, it rarely
3 happens, because for that to happen a lawyer -- a defendant
4 has to ignore the advice of their attorney, and most don't.

5 But I'll give you two real-life examples that
6 happened here in the courtroom over a few years ago.

7 Someone that was standing where you're standing,
8 in custody, they pled guilty to distribution of
9 methamphetamine.

10 And most defendants know that county jail, state
11 prisons, federal prisons, all phone calls are taped. But
12 not to -- unless you're talking to your lawyer.

13 Well, apparently, this defendant on the way back
14 to the Sherburne County Jail had forgot he had a large
15 suitcase of meth hidden in a storage locker, nobody knew
16 about.

17 So he assumed the phone call would be taped, so he
18 tried to talk in a secret code to his girlfriend. The code
19 didn't work because law enforcement ended up with the meth
20 and he lost his Plea Agreement.

21 Somebody standing where you're standing who wasn't
22 in custody, pled guilty to telemarketing fraud, then drove
23 over to Hudson, Wisconsin, opened up the same business.

24 So he not only after the plea lost his Plea
25 Agreement, but I was obligated to issue a warrant and he was

1 taken into custody.

2 I emphasize it rarely happens. But those would be
3 examples of some type of conduct inconsistent with
4 acceptance. Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: Now, the adjusted level before
7 acceptance is 31.

8 So that means that with the three-level guideline
9 reduction for acceptance of responsibility, that creates
10 what we call an adjusted level of 28. Do you understand
11 that?

12 THE DEFENDANT: Yes.

13 THE COURT: Now, under criminal history, on the
14 one hand, this is not a stipulation. And speaking in plain
15 language, that means that you keep the right with the help
16 of your lawyer, as does the U.S. Attorney's Office to see
17 what probation comes up with your criminal history -- excuse
18 me, since they have, you know, they're able to look at more
19 information.

20 However, the lawyers know that in order to best
21 evaluate what the guidelines sentence is, it's suggested or
22 advised, so they can tell you, tell me, tell any interested
23 public member or affected member, or anyone, they do their
24 best to make an evaluation of what they believe it to be,
25 because it can have an affect, sometimes small, sometimes

1 not significant on the sentence.

2 So with the information they have, they believe
3 that your Criminal History Category is -- is I, which to the
4 extent it's relevant, is the lowest level. There's I
5 through VI. But they believe it's I. Do you understand
6 that?

7 THE DEFENDANT: Yes.

8 THE COURT: Now if you're at this level on
9 everything that the -- what we'll talk about, the Count 4,
10 which isn't subject to the guidelines in the Minnesota case,
11 if the offense level is at that adjusted level of 28 and you
12 aren't at that Criminal History Category of I, the
13 imprisonment -- the advisory imprisonment range on all but
14 that count would be 78 to 97 months. Do you understand
15 that?

16 THE DEFENDANT: Yes.

17 THE COURT: Now moving on to the next phrase,
18 Total Guideline Sentence of Imprisonment.

19 It says the total advisory sentence of
20 imprisonment is the guideline range set forth we just talked
21 about in j, plus to 360 months, or that 30-year mandatory
22 minimum, for Count 4.

23 And then it says because the 30-year mandatory
24 minimum on Count 4 may not be concurrent with any other term
25 of imprisonment, the five-year mandatory minimum for Count 3

1 of the Illinois indictment must be added to the 30 years,
2 Count 4.

3 In all respects, however, Count 3 of the Illinois
4 indictment, they're grouped together.

5 So that means that the total guideline
6 imprisonment range, and its advisory range of 438 to
7 457 months. And it's a total mandatory minimum set by
8 United States Congress is 30 plus 5, years, or 35 years, or
9 420 months. Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Now moving on -- the, the if we -- at
12 that Level 28, we're at a fine range of \$25,000 to \$250,000.

13 And the guideline supervised release term is at
14 least two years, not more than five years on the -- what's
15 called the Class A felony, the most serious, and on the
16 Class C felonies, of at least one year, but not more than
17 three. Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: Now, something that I try to suggest
20 in every case. And I actually, now that I'm thinking about
21 it, through nobody's fault but my own, I didn't earlier this
22 morning.

23 One thing about Plea Agreement, and sometimes they
24 were -- it's misunderstood by the public, not by the lawyers
25 or anybody here. When the sentencing is done, you know,

1 your lawyer has the right to argue whatever sentence you
2 think is fair. The Government has a right to do that, what
3 is fair.

4 You can both argue fully what you think the right
5 and fair sentence is.

6 But whether you and your lawyer are thinking, ah,
7 the judge gave me -- he could have, should have given me
8 less time. I think he gave me -- wasn't fair with me.

9 Or maybe the Government's thinking the opposite.
10 Well, the judge should have given more.

11 Both of you can argue fully what you think the
12 fair and right thing is to do. But neither side can back
13 out of the Plea Agreement.

14 Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Because once a judge accepts a Plea
17 Agreement, it's very difficult for either party. Because
18 the law of values finality is very difficult to back out of
19 a Plea Agreement, so that's why I try to bring that up.

20 Moving on to restitution. And I believe that
21 those issues, Counsel, are being evaluated. And whether
22 there's an agreement or not, the issue will be addressed to
23 the Court at the time of sentencing?

24 MS. ALLYN: That's correct, Your Honor.

25 MR. RICHMAN: Yes, Your Honor.

1 THE COURT: And that means to you, Mr. Morris,
2 that sometimes there's an agreement on what the restitution
3 is.

4 But whether there is or this isn't, it's my
5 responsibility to evaluate, to hear everybody out at the
6 time of sentencing and then make that decision.

7 And then, in some cases, I'm not saying it will
8 happen in this case, because usually we know on the eve of
9 sentencing, we just don't find out on the date of
10 sentencing, we find out, well, the parties need another
11 30 days or 60 days to get more information.

12 We don't continue the sentencing. But if either
13 party says, can we submit a bit more information in
14 restitution? But we set that all up at the sentencing
15 hearing so everybody knows, because everything's out in the
16 open.

17 So you'll know what that is at the time of
18 sentencing. Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Now there's a phrase, Waiver of Appeal
21 of Attack.

22 It states here that you understand that under the
23 law, that as part of this agreement, you are agreeing to --
24 and I'll give a couple of the things that we discussed in
25 the other case, too.

1 You recognize that under this case, number one, on
2 the one hand, you're waiving your right to appeal the -- the
3 sentence in the case, even though you understand that you
4 can appeal if the Government does not make or the Court does
5 not grant certain motions. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: But as we talked about in the last
8 case, not unique to these, because the parties acknowledge,
9 including the United States, that the sentencing guideline
10 calculations, frankly speaking are complicated.

11 The United States has agreed not to seek to
12 enforce this appeal waiver of this sentence to the limited
13 extent that your grounds for appeal are on an alleged
14 miscalculation of the sentencing guidelines by the Court,
15 which means me. Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: And so we got that right out in the
18 open, unless either Counsel want to say anything more about
19 that, I'll move on.

20 MS. ALLYN: Nothing further from the Government,
21 Your Honor.

22 THE COURT: Mr. Richman?

23 MR. RICHMAN: We're content.

24 THE COURT: Paragraph 11 under the forfeiture.

25 I'll go onto the top of Page of 19 and

1 subparagraphs 8 through a through i.

2 I just want to make sure you understand that there
3 are four rifles and four shotguns, and ammunition related to
4 each that you are -- that you've agreed that shall be
5 forfeited as part of this Plea Agreement. Do you understand
6 that?

7 THE DEFENDANT: Yes.

8 THE COURT: Now, before you and I go through your
9 constitutional rights and I take your plea. Do you have any
10 questions of me about any part of this Plea Agreement?
11 Whether it's something you were hoping you could ask me
12 about or you just assumed I would go over with you?

13 Is there anything you want to ask me at this time,
14 either because it's a topic that you think that you wanted
15 to ask for or it's something that you don't understand?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: Anything from the Government?

18 MS. ALLYN: No, Your Honor.

19 THE COURT: Mr. Richman?

20 MR. RICHMAN: No, Your Honor.

21 THE COURT: With respect to this case, not unique
22 to your case, you are presumed innocent to all five of these
23 charges.

24 If you plead guilty in just a few moments -- few
25 minutes you give up your right to be presumed innocent.

1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: You also have the right to have Mr.
4 Richman represent you in front of a jury. And I'll explain
5 that phrase in just a minute.

6 But if you plead guilty in just a few minutes, you
7 give the right up to have -- he'll be here with you every
8 step of the way for this plea, Presentence Investigation
9 Report, sentencing, but there's not going to be a trial, so
10 you're giving the right up to have a lawyer represent you in
11 front of a jury. Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: You have the right to remain silent.
14 You have the right against self-incrimination. You're
15 giving those rights up as well, do you understand?

16 THE DEFENDANT: Yes.

17 THE COURT: You have the right to a speedy trial.
18 And, of course, you're giving that right up because we're
19 not going to have a trial. Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: There will be 12 people on the jury.
22 I've talked -- I've used this phrase, jury trial. All 12
23 would sit over here.

24 And the -- it's the Government's burden of proof
25 to prove by what we call proof beyond a reasonable doubt

1 that you committed one or more of these offenses.

2 And so that means a couple of things. You don't
3 have to prove anything. You don't have to convince anyone
4 you're innocent.

5 So today that means by pleading guilty to each of
6 the five charges, you give up your right to make the
7 Government prove this to a unanimous jury, because the vote
8 must be 12 to 0, 11-1 won't do it. You give your right up
9 to make the Government prove this by proof beyond a
10 reasonable doubt. Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: Now at that trial, as the lawyer's
13 well know, you don't have to do anything, because the
14 burden's on the Government.

15 Because as Ms. Allyn and Mr. Docherty are calling
16 each witness, you don't have to do anything, but you could
17 cross-examine each witness they called.

18 And then at some point they would turn to you, to
19 me, to the jury and say, We rest our case. Or the
20 Government rests.

21 Then you'd have a decision to make.

22 Should I call my own witnesses? You don't have
23 to.

24 Or should I testify knowing I'll likely be
25 cross-examined? Or should I choose not to testify, usually

1 knowing two things.

2 One, that the Government can't then call you as a
3 witness.

4 And two, it's generally improper for a prosecutor
5 to get up and say, Well now you know he's guilty because he
6 hid behind the Constitution. He wouldn't get up there and
7 talk to you.

8 Usually a defendant can't -- or a prosecutor can't
9 comment on the silence of a defendant, or their failure to
10 take the witness stand.

11 So today that means you're giving those rights up
12 associated with going to trial, because there's going to be
13 no trial. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: Two other rights. One relates to that
16 waiver of pretrial motions. Before I get to that, I'll --
17 I'll talk about another right that really every defendant
18 gives up in every case and when they plead guilty.

19 If you plead guilty in a few moments you can't
20 come back to me or a higher court and say, Judge I didn't do
21 it. I'm going to fight one or all five counts, I didn't do
22 it. I'm going to contest my guilt.

23 You give up the right to contest or appeal to me
24 or a higher court any of these offenses if you plead guilty.
25 Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: The other one that relates directly to
3 that phrase, waiver of pretrial motions is this:

4 If you plead guilty shortly you can't come back to
5 me or a higher court and say, Judge, of course I'm guilty,
6 otherwise I wouldn't have pled guilty to those five crimes.

7 But I should not have been in your courtroom,
8 because before I got there, I got -- my constitutional
9 rights were violated. That's how I got caught. That's how
10 I got indicted.

11 If and when a defendant says that, they could mean
12 a wiretap, search warrant, statement taken, search seizure,
13 stop.

14 The point is, today if you plead guilty shortly,
15 you give up the right to make any claim like that to me or a
16 higher court. Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: Before I formally take your pleas to
19 each of the offenses, do you have any questions of me about
20 your constitutional rights? Whether it's something I
21 mentioned, or you were hoping or assuming that I would?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: Counsel?

24 MS. ALLYN: No, Your Honor.

25 THE COURT: Mr. Richman?

1 MR. RICHMAN: No. Thank you.

2 THE COURT: Then I'll go through those with you
3 now.

4 As to Count 1, an Illinois indictment that charges
5 with you possession between in or about -- around October of
6 2017, to on or about February 27th of 2018, in the Central
7 District of Illinois of a machine gun, do you plead guilty
8 or not guilty?

9 THE DEFENDANT: Guilty.

10 THE COURT: As to Count 2, entitled conspiracy to
11 interfere with commerce with threats and violence from on or
12 about August 20th -- August of 2017, to at least March 10th
13 of 2018, in Ford County in the Central District of Illinois
14 and elsewhere, do you plead guilty or not guilty?

15 THE DEFENDANT: Guilty.

16 THE COURT: As to Count 3, attempted arson, on or
17 about November 7th, 2017, in Champaign County, in the
18 Central District of Illinois, do you plead guilty or not
19 guilty?

20 THE DEFENDANT: Guilty.

21 THE COURT: Moving on to the Minnesota indictment.

22 As to Count 2, intentionally obstructing and
23 attempting to obstruct by the force and the threat of force
24 and by means of fire and explosives in the free exercise of
25 religious beliefs, on or about August 5th, 2017, in the

1 State and District of Minnesota, do you plead guilty or not
2 guilty?

3 THE DEFENDANT: Guilty.

4 THE COURT: As to Count 4, I'll move on to that,
5 carrying and using a destructive device, during in and in
6 relation to a crime of violence also on or about August 5th
7 of 2017, do you plead guilty or not guilty?

8 THE DEFENDANT: Guilty.

9 THE COURT: Do you understand by entering each of
10 these pleas, you give up those constitutional rights that we
11 just discussed, including your right to go to trial?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you make any claim today that you
14 are innocent of any of these charges?

15 THE DEFENDANT: No.

16 THE COURT: Going to the facts of the case, and
17 there will be no surprise questions from me, I'll work off
18 what's called the factual basis in the Plea Agreement.

19 It states here, excuse me, again, that during the
20 summer of 2017, a codefendant and coconspirator, Michael
21 Hari, started a militia group in central Illinois. And this
22 militia group was called initially "Patriot Freedom
23 Fighters," was that true?

24 THE DEFENDANT: Yes.

25 THE COURT: Although the name was changed after

1 the bombing of the Islamic Center here in Minnesota, to
2 "White Rabbits," is that also true?

3 THE DEFENDANT: Yes.

4 THE COURT: Then it says by late July and early
5 August of 2017, the members of the militia group Hari,
6 yourself, Michael McWhorter, and at least five other people.
7 Is that also true?

8 THE DEFENDANT: Yes.

9 THE COURT: Then it says that you admit and
10 concede that the Government has sufficient evidence to prove
11 beyond a reasonable doubt that on a date that is not known
12 precisely, but sometime during the two weeks immediately
13 proceeding August 4th, 2017, two of your coconspirators,
14 Hari and McWhorter, drove from central Illinois, across the
15 state line, and into Indiana where they purchased about
16 approximately 20 pounds of black powder at a small gun shop.
17 Do you now know that to be true?

18 THE DEFENDANT: Yes.

19 THE COURT: Then it says on August 4th and
20 August 5th, 2017, that you, together with Hari and McWhorter
21 drove from central Illinois to Bloomington, Minnesota. Is
22 that -- is that what -- did you go -- come here to
23 Bloomington, Minnesota on that date?

24 THE DEFENDANT: Yes.

25 THE COURT: Then it states, in order to avoid

1 apprehension by law enforcement that you drove a rented
2 truck -- and when I say you, I'm saying the Defendants. The
3 three of you drove a rented truck and avoided toll roads
4 because you believe that cameras or toll plazas can record
5 license plate numbers. And that you and McWhorter, at the
6 direction of Hari, left your mobile phones behind in
7 Illinois. Did you?

8 THE DEFENDANT: Yes.

9 THE COURT: Then it says at a gas station on the
10 way from Illinois to Minnesota, approximately one hour
11 before entering Minnesota, that Hari filled an empty plastic
12 container with a mixture of gasoline and diesel fuel. And
13 did he do that?

14 THE DEFENDANT: Yes.

15 THE COURT: And then it says inside the cab of the
16 rented truck was a pipe bomb built by Hari by packing some
17 of the black powder bought at the Indiana gun shop into a
18 segment of PVC pipe. And that the PVC's pipe segment was
19 capped at both ends and a fuse was threaded through a hole
20 that had been drilled in one cap. Is that true?

21 THE DEFENDANT: Yes.

22 THE COURT: It says that the fuse extended from
23 the outside of the pipe bomb to the black powder within the
24 bomb.

25 And that at about the same time that the gasoline

1 and diesel fuel mixture was put into the empty plastic
2 container, Hari informed you and McWhorter that there was a
3 pipe bomb in the vehicle, and that that was going to be used
4 to bomb a mosque. True?

5 THE DEFENDANT: Yes.

6 THE COURT: Then the three of you arrived at the
7 Dar al-Farooq Islamic Center in Bloomington, in the state --
8 as we now know in the State and District of Minnesota at
9 approximately 5:00 in the morning, on August 5th, 2017. Is
10 that -- is that accurately -- the accurate time?

11 THE DEFENDANT: Yes.

12 THE COURT: And then it says that Hari parked the
13 rented truck in the mosque parking lot. And that you and
14 McWhorter left the truck and approached the mosque. Is that
15 what you did?

16 THE DEFENDANT: Yes.

17 THE COURT: And then it says that Hari gave you a
18 sledgehammer and told you to break a window in the mosque,
19 which you did. Did you?

20 THE DEFENDANT: Yes.

21 THE COURT: And then it says McWhorter then lit
22 the fuse on the bomb and threw the bomb through the window
23 that you had broken. Is that what happened?

24 THE DEFENDANT: Yes.

25 THE COURT: Then it says you threw the container

1 holding the gasoline diesel fuel mixture through the same
2 window as you had been told to do. True?

3 THE DEFENDANT: Yes.

4 THE COURT: Then it says that you and McWhorter
5 then ran back to the rented truck and got in. And once you
6 were inside the truck, Hari then drove out of the mosque
7 parking lot at high speed. And then the three of you went
8 back to Illinois. True?

9 THE DEFENDANT: Yes.

10 THE COURT: Now, it says here that you also admit
11 and concede that the Government has sufficient evidence to
12 prove beyond a reasonable doubt that the pipe bomb exploded
13 inside imam's office at the Islamic Center. And that the
14 explosion caused extensive blast damage to that office.

15 The explosion also ignited the gasoline and the
16 diesel fuel mixture which started a fire. And the building
17 sprinkler system activated and the fire was promptly
18 extinguished.

19 But the fire and sprinklers caused fire and water
20 damage within the Islamic Center. And at the time of the
21 explosion, the mosque was occupied, as morning prayers had
22 been just about to start. And that the imam's office was
23 unoccupied and the bombing caused no fatalities or injuries.

24 And so I just want to make certain that all of
25 these things -- both the things that you admit happened and

1 then you learned what happened to the mosque, do you admit
2 and agree that that's an accurate statement of what
3 happened?

4 THE DEFENDANT: Yes.

5 THE COURT: Then it goes on to state that the
6 Islamic Center -- need some water or anything?

7 MR. RICHMAN: I'm fine. Thank you.

8 THE COURT: The -- it goes on to state that the
9 Islamic Center was targeted because it's an Islamic house of
10 worship, that true?

11 THE DEFENDANT: Yes.

12 THE COURT: Then it says by bombing a mosque, the
13 three of you intended to interfere with the free exercise of
14 religious -- religious belief by Muslims. Also true?

15 THE DEFENDANT: Yes.

16 THE COURT: Then it says that you further intended
17 by this bombing to communicate to Muslims that they were not
18 welcome in the United States and should leave the country.
19 Is that also true?

20 THE DEFENDANT: Yes.

21 THE COURT: In addition it says you believe
22 because Hari told you so, that the Islamic Center was
23 targeted, rather than different mosque, because it was far
24 enough away from central Illinois that the three -- three of
25 you thought it was unlikely they would be suspected in the

1 bombing and that it was a focal point for terrorist
2 recruiting. All of that true?

3 THE DEFENDANT: Yes.

4 THE COURT: Now the bombing of the Islamic Center
5 was, in and affected, interstate commerce, was committed by
6 means of fire and explosives, involved the use of force, and
7 that you, Hari and McWhorter, carried and used a destructive
8 devise, a pipe bomb, during and in relation of the bombing
9 of the Islamic Center. Is that all true?

10 THE DEFENDANT: Yes.

11 THE COURT: And part of that's here because even
12 though they don't have to approve you know what interstate
13 commerce is or anything else, by coming across state lines,
14 by using things that are manufactured in different states
15 and brought in, that is affecting interstate commerce. Do
16 you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: Now it states beginning no later than
19 October of 2017, that you, together with Hari and McWhorter,
20 possessed two machine guns in the Central District of
21 Illinois. Is that true?

22 THE DEFENDANT: Yes.

23 THE COURT: Then it says that these weapons had
24 been illegally converted to fire in full automatic mode, a
25 mode of firing in which the guns fire rapidly for as long as

1 the trigger is held down and the ammunition lasts. True?

2 THE DEFENDANT: Yes.

3 THE COURT: Then it says on or about November 7th
4 of 2017, that you and Hari attempted to set on fire the
5 Women's Health Practice in Champaign in the Central District
6 of Illinois. Did you do that?

7 THE DEFENDANT: Yes.

8 THE COURT: It says the Women's Health Practice
9 offered a variety of medical services, including abortions.
10 True?

11 THE DEFENDANT: Yes.

12 THE COURT: Then it says that you broke a window,
13 placing a centering device in the Women's Health Practice
14 and lit a strip of magnesium that was being used as a fuse.
15 However, the device did not ignite. Is that true?

16 THE DEFENDANT: Yes.

17 THE COURT: Then it says that you concede and
18 admit the Government has sufficient evidence to prove beyond
19 a reasonable doubt that law enforcement responded to the
20 Women's Health Practice when a receptionist, arriving to
21 open the Women's Health Practice on the morning on
22 November 7, 2017, found the unexploded device on the floor.
23 Do you now know that to be true?

24 THE DEFENDANT: Yes.

25 THE COURT: Then it says that law enforcement

1 determined the device to be a length of PVC pipe capped at
2 one end and covered in duct tape at the other end,
3 containing an incendiary powder mixture, one of whose
4 components was thermite. Is that also true?

5 THE DEFENDANT: Yes.

6 THE COURT: Then it says the device also contained
7 a fuse, which is a strip of magnesium metal, which could be
8 used to ignite the incendiary mixture. And that when
9 thermite is ignited by heat, it creates brief bursts of heat
10 and high temperature. And that actually Hari had
11 constructed this device and rented a truck, in which the
12 Defendants, including you, traveled to the Women's Health
13 Practice that day. True?

14 THE DEFENDANT: Yes.

15 THE COURT: Then moving on to Page 7, for the
16 record.

17 States here that you admit and concede that the
18 Government has sufficient evidence to prove beyond a
19 reasonable doubt, that the Women's Health Practice used this
20 building in Champaign, Illinois in interstate commerce.
21 That medical services were provided at that location. And
22 that the Women's Health Practice purchased and disbursed
23 medical supplies, some of which had moved across state
24 lines. And maybe even from one country to our -- to the
25 United States at that building. And that at that building,

1 the Women's Health Practice also processed health insurance
2 payments for the medical services provided by the Women's
3 Health Practice. And that many of those payments came from
4 carriers outside of Illinois.

5 Do you now -- and if you didn't do know that, you
6 know that to be true?

7 THE DEFENDANT: Yes.

8 THE COURT: And, again, as I mentioned before, not
9 unique to your case, they don't have to prove that you even
10 knew or know what interstate commerce is or what their
11 practice was.

12 What they have to prove is exactly what you've
13 acknowledged. That, well, here's -- here's what that
14 practice was, in terms of how they operated, just not within
15 Illinois, but to purchase things, and did business both
16 within the state, out of state. And even had some things
17 that transferred from out of the country, so.

18 Then it goes on, on or about December 16th, of
19 2017, that you, together with Hari and McWhorter, as well as
20 four other people, participated in what turned out to be a
21 home invasion of the town of Ambia, Indiana.

22 Did you participate in that?

23 THE DEFENDANT: Yes.

24 THE COURT: Then it says that the three of you,
25 and one other person, carried firearms, two of which had

1 been illegally converted to machine guns. Is that true?

2 THE DEFENDANT: Yes.

3 THE COURT: Then it says that the three of you,
4 and one other person, masqueraded as police officers, and
5 robbed the inhabitants of the house. Also true?

6 THE DEFENDANT: Yes.

7 THE COURT: Then in order to reach Ambia, Indiana
8 from central Illinois, obviously the three of you, and four
9 other people, crossed state lines, Illinois to Indiana. And
10 that this robbery there took place in another state and
11 affected interstate commerce. Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: It says you admit that this robbery
14 did, therefore, affect interstate commerce. Also true?

15 THE DEFENDANT: Yes.

16 THE COURT: And then some of the victims of the
17 robbery were physically restrained during the commission of
18 the robbery? Is that true?

19 THE DEFENDANT: Yes.

20 THE COURT: And, of course, it's stated here that
21 you acknowledge you obtained no money, though, from the home
22 innovation. Also true?

23 THE DEFENDANT: Yes.

24 THE COURT: Now it states that together with Hari,
25 and McWhorter, as well as others, also performed and

1 perpetrated armed robberies of two Wal-mart stores. One in
2 Watseka, Illinois, on or about December 4, 2017. And one in
3 Mount Vernon, Illinois on or about December 17th, 2017.

4 Are those -- are those accurate dates and places?

5 THE DEFENDANT: Yes.

6 THE COURT: I'm going to sneak in a little drink
7 of water here.

8 Oh, I didn't have a big sneeze like you, Mr.
9 Richman, so.

10 Although Wal-mart is a large corporation that does
11 business in all 50 states, as you may or may not be aware
12 and many foreign countries. Do you know that to be true?

13 THE DEFENDANT: Yes.

14 THE COURT: And so, therefore, you admit and
15 acknowledge that these two armed robberies involve a company
16 that does in, and affect, and utilize interstate and foreign
17 commerce. Do you admit to that, sir?

18 THE DEFENDANT: Yes.

19 THE COURT: Then it says that the conspirators,
20 meaning you and the other individuals, obtained
21 approximately \$1,047, from the Watseka robbery. And no
22 money, though, from the Mount Vernon robbery. Is that also
23 true?

24 THE DEFENDANT: Yes.

25 THE COURT: However, during the perpetration of

1 the Watseka robbery, you admit that you carried fake
2 firearms into that Wal-mart, true?

3 THE DEFENDANT: Yes.

4 THE COURT: Now it states that on or about January
5 17th of 2018, that you, together with Hari and McWhorter,
6 sabotaged a portion of the railroad track used by the
7 Canadian National Railway outside of the town of Effingham,
8 Illinois. Did you do that?

9 THE DEFENDANT: Yes.

10 THE COURT: Then it states that Hari then sent a
11 communication to the Canadian National Railway by placing a
12 message on the Canadian National Railway on an inquiry form.

13 And that what the communication or message stated
14 was that further sabotage directed at the railway would
15 occur unless the Canadian National Railway paid -- paid the
16 defendants, meaning, including you, an amount of particular
17 money, equivalent -- equivalent to slightly more than
18 \$190,000. Is that what happened?

19 THE DEFENDANT: Yes.

20 THE COURT: Then it says that before you
21 participated in this sabotage of the railroad track, that
22 you knew Hari was going to send this communication to the
23 Canadian National Railway?

24 THE DEFENDANT: Yes.

25 THE COURT: Is that true?

1 THE DEFENDANT: Yes.

2 THE COURT: You knew?

3 Then it states that you admit and acknowledge that
4 the intent of the communication by Hari was to threaten or
5 extort money and funds from the Canadian National Railway.
6 True?

7 THE DEFENDANT: Yes.

8 THE COURT: Then it states that you also agree and
9 concede that the Government has evidence sufficient to prove
10 beyond a reasonable doubt that the Canadian National Railway
11 is headquartered in Montreal, Quebec and transports freight
12 throughout Canada and the United States. Therefore that
13 involves -- and this target of the extortion attempt
14 involved the railway. And in so doing affected interstate
15 and foreign commerce. True?

16 THE DEFENDANT: Yes.

17 THE COURT: And as it turns out, you did not
18 receive any money, though, from that Canadian National
19 Railway -- from the Canadian National Railway as a result of
20 this extortion attempt. True?

21 THE DEFENDANT: Correct.

22 THE COURT: Did you participate and commit these
23 crimes voluntarily?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. Any additional inquiry on a

1 factual basis by the Government?

2 MS. ALLYN: No, Your Honor.

3 THE COURT: By --

4 MR. RICHMAN: No, Your Honor.

5 THE COURT: The Court finds that Mr. Morris has
6 knowingly and voluntarily entered each of these pleas to the
7 five crimes.

8 I also find that he's purely acknowledged and
9 admitted a proper and adequate factual basis for each of the
10 pleas. So I accept and record the guilty pleas for all
11 purposes at this time.

12 And I order a presentence investigation report to
13 be done.

14 And the lawyers know exactly how that works. And
15 while it does not vary by case, by defendant, by judge in
16 our district, I'm going to take a couple minutes to explain
17 it.

18 One, because I think it's a very fair process.

19 And two, it does vary from in other districts,
20 state or federal.

21 And so you may be aware that a presentence
22 investigation report will not just give me the additional
23 details about the crimes you've committed, but also it will
24 give me details and more than a pretrial services report on
25 who you are, your background.

1 And then procedurally, when that first report --
2 the first draft, I'll call it, is done, you and your
3 attorney, and the Government's Counsel, you all see it
4 before I do.

5 It would be fine if I saw it with you, but I would
6 tell you if we had -- if I got copied or blind copied.

7 We don't here in our district. And the lawyers
8 are aware of this, for a very important reason.

9 Your attorney knows he can sit down, go over it
10 and make what are called legal and factual objections. And
11 to speak in plain language, your attorney knows he can look
12 at it, go through it with you.

13 Then each attorney can call a probation officer,
14 walk into their office, e-mail them, write them, mail them,
15 and say, We object to these paragraphs. We want this taken
16 out, we want this added.

17 Now, why -- and the probation officer may agree or
18 not agree to do that, whether it's requested by the United
19 States Attorney's Office or by your attorney.

20 Now, why have I taken the time to tell you this?

21 Well, when I get the final draft of the report, I
22 admit to you, I don't start on the first page.

23 I flip to the back. And there will be a fancy
24 word, Addendum, and here's what it will say, The Defendant
25 and his lawyer object to the follow paragraphs for the

1 following reasons.

2 Or it will say, No objections. Which means either
3 there never were any. Or your lawyer persuaded the
4 probation officer to make some changes.

5 I'll look for the same thing from Counsel for the
6 Government. Because I like to have that in my mind as a
7 read through the report.

8 As soon as Ms. Sampson gets the final report,
9 she'll call your attorney, Government's Counsel, and say,
10 Can we agree on a sentencing date? And -- and then, when --
11 in almost all cases we do.

12 Because in some cases the Defendants want certain
13 people there for the sentencing, and sometimes not.

14 And in some cases, Government wants people,
15 whether it's the law enforcement agents, victims, other
16 people here, sometimes not.

17 And then at that time you'll have a chance to say
18 as little or as much as you want here in this courtroom.

19 Do you have any questions of me about anything
20 that has happened today, Mr. Morris?

21 THE DEFENDANT: No.

22 THE COURT: Anything further on behalf of the
23 United States?

24 MS. ALLYN: No, Your Honor.

25 THE COURT: Mr. Richman?

1 MR. RICHMAN: Nothing further, Your Honor.

2 THE COURT: Does probation need to chat with
3 anyone here?

4 MR. SMITH: I'll just speak with the parties
5 briefly, Your Honor.

6 THE COURT: All right. Then we are adjourned.

7 MR. RICHMAN: Thank you, Your Honor.

8 (Court adjourned at 12:12 p.m.)

9 **REPORTER'S CERTIFICATE**

10 I, Lynne M. Krenz, do certify the foregoing
11 pages of typewritten material constitute a full, true and
12 correct transcript of my original stenograph notes, as they
13 purport to contain, of the proceedings reported by me at the
time and place hereinbefore mentioned.

14 /s/Lynne M. Krenz
15 Lynne M. Krenz, RMR, CRR, CRC

16 Date: February 19, 2019

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